



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0483/P1
MED:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 440.03 (13) (b) 55., 440.08 (2) (a) 63., 455.01 (4), 455.01 (7),
2 455.07 and 455.10; *to renumber and amend* 455.01 (3), 455.03, 455.08 and
3 455.11; *to amend* 48.295 (1), 48.295 (3), 48.31 (4), 48.375 (2) (c), 48.375 (4) (b)
4 1m., 48.88 (2) (aj) 3., 49.45 (25) (bm) 1., 49.45 (30f), 50.06 (4), 50.94 (8), 51.03
5 (6) (a), 51.15 (2), 51.15 (4m) (a) 1., 51.20 (1) (ar) (intro.), 51.20 (9) (a) 1., 51.20
6 (9) (a) 5., 51.30 (1) (b), 51.35 (3) (a), 51.35 (3) (c), 51.37 (5) (a), 51.40 (1) (g) 2.,
7 51.42 (7) (a) 7., 51.442 (5) (b) 1., 51.61 (1) (i) 1., 51.61 (2), 54.01 (27), 146.34 (1)
8 (i), 146.89 (1) (r) 5m., 155.01 (7), 155.05 (2), 244.09 (3) (a), 252.14 (1) (ar) 6.,
9 257.01 (1) (a), 257.01 (1) (b), 301.48 (6) (e), 440.03 (11), 440.08 (2) (a) (intro.),
10 440.88 (3m), 455.01 (3m), 455.08 (title), 455.09 (1) (intro.), 455.09 (1) (b), 455.09
11 (1) (g), 455.09 (3), 457.08 (4) (c) 3., 457.10 (3) (c), 457.12 (3) (a) 3., 457.12 (3) (b)
12 3., 632.89 (1) (e) 3., 895.441 (1) (b), 905.04 (1) (e), 938.295 (1) (a), 938.295 (2) (a),
13 938.295 (3), 939.615 (6) (e), 940.22 (1) (c), 971.16 (1) (b) and 980.01 (10); *to*
14 *repeal and recreate* 455.01 (2), 455.01 (5), 455.01 (6), 455.02, 455.04, 455.045,
15 455.06, 455.065, 455.09 (title) and 632.895 (12m) (b) 2.; and *to create* 455.01

(1), 455.01 (1m), 455.01 (3r), 455.01 (5m), 455.025, 455.035, 455.09 (1) (i), 455.09 (4), 455.09 (5) and 455.095 of the statutes; **relating to:** the practice of psychology, providing an exemption from emergency rule procedures, granting rule-making authority, requiring the exercise of rule-making authority, and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.295 (1) of the statutes is amended to read:

48.295 (1) After the filing of a petition and upon a finding by the court that reasonable cause exists to warrant a physical, psychological, mental, or developmental examination or an alcohol and other drug abuse assessment that conforms to the criteria specified under s. 48.547 (4), the court may order any child coming within its jurisdiction to be examined as an outpatient by personnel in an approved treatment facility for alcohol and other drug abuse, by a physician, psychiatrist or licensed health service psychologist, or by another expert appointed by the court holding at least a master's degree in social work or another related field of child development, in order that the child's physical, psychological, alcohol or other drug dependency, mental, or developmental condition may be considered. The court may also order a physical, psychological, mental, or developmental examination or an alcohol and other drug abuse assessment that conforms to the criteria specified

1 under s. 48.547 (4) of a parent, guardian, or legal custodian whose ability to care for
2 a child is at issue before the court or of an expectant mother whose ability to control
3 her use of alcohol beverages, controlled substances, or controlled substance analogs
4 is at issue before the court. The court shall hear any objections by the child or the
5 child's parents, guardian, or legal custodian to the request for such an examination
6 or assessment before ordering the examination or assessment. The expenses of an
7 examination, if approved by the court, shall be paid by the county of the court
8 ordering the examination in a county having a population of less than 750,000 or by
9 the department in a county having a population of 750,000 or more. The payment
10 for an alcohol and other drug abuse assessment shall be in accordance with s. 48.361.

11 **SECTION 2.** 48.295 (3) of the statutes is amended to read:

12 48.295 (3) If the child, the child's parent or the expectant mother objects to a
13 particular physician, psychiatrist, licensed health service psychologist or other
14 expert as required under this section, the court shall appoint a different physician,
15 psychiatrist, psychologist or other expert as required under this section.

16 **SECTION 3.** 48.31 (4) of the statutes is amended to read:

17 48.31 (4) The court or jury shall make findings of fact and the court shall make
18 conclusions of law relating to the allegations of a petition filed under s. 48.13, 48.133
19 or 48.42, except that the court shall make findings of fact relating to whether the
20 child or unborn child is in need of protection or services which can be ordered by the
21 court. In cases alleging a child to be in need of protection or services under s. 48.13
22 (11), the court may not find that the child is suffering emotional damage unless a
23 licensed physician specializing in psychiatry or a licensed health service psychologist
24 appointed by the court to examine the child has testified at the hearing that in his
25 or her opinion the condition exists, and adequate opportunity for the

1 cross-examination of the physician or psychologist has been afforded. The judge
2 may use the written reports if the right to have testimony presented is voluntarily,
3 knowingly and intelligently waived by the guardian ad litem or legal counsel for the
4 child and the parent or guardian. In cases alleging a child to be in need of protection
5 or services under s. 48.13 (11m) or an unborn child to be in need of protection or
6 services under s. 48.133, the court may not find that the child or the expectant mother
7 of the unborn child is in need of treatment and education for needs and problems
8 related to the use or abuse of alcohol beverages, controlled substances or controlled
9 substance analogs and its medical, personal, family or social effects unless an
10 assessment for alcohol and other drug abuse that conforms to the criteria specified
11 under s. 48.547 (4) has been conducted by an approved treatment facility.

12 **SECTION 4.** 48.375 (2) (c) of the statutes is amended to read:

13 48.375 (2) (c) "Counselor" means a physician including a physician specializing
14 in psychiatry, a licensed health service psychologist, ~~as defined in s. 455.01 (4)~~
15 licensed under ch. 455, or an ordained member of the clergy. "Counselor" does not
16 include any person who is employed by or otherwise affiliated with a reproductive
17 health care facility, a family planning clinic, or a family planning agency; any person
18 affiliated with the performance of abortions, except abortions performed to save the
19 life of the mother; or any person who may profit from giving advice to seek an
20 abortion.

21 **SECTION 5.** 48.375 (4) (b) 1m. of the statutes is amended to read:

22 48.375 (4) (b) 1m. A physician who specializes in psychiatry or a licensed health
23 service psychologist, ~~as defined in s. 455.01 (4)~~, licensed under ch. 455 states in
24 writing that the physician or psychologist believes, to the best of his or her
25 professional judgment based on the facts of the case before him or her, that the minor

1 is likely to commit suicide rather than file a petition under s. 48.257 or approach her
2 parent, or guardian or legal custodian, if one has been appointed, or an adult family
3 member of the minor, or one of the minor's foster parents, if the minor has been placed
4 in a foster home and the minor's parent has signed a waiver granting the
5 department, a county department, or the foster parent the authority to consent to
6 medical services or treatment on behalf of the minor, for consent.

7 **SECTION 6.** 48.88 (2) (aj) 3. of the statutes is amended to read:

8 48.88 (2) (aj) 3. If the agency or tribal child welfare department making the
9 investigation has special concern as to the welfare of the child or the suitability of
10 the placement, the investigation may include a clinical assessment of the petitioner's
11 mental health or alcohol or other drug use by an employee of the agency or tribal child
12 welfare department who is not employed in the unit of the agency or tribal child
13 welfare department that is making the investigation or by a person who is not
14 employed by that agency or tribal child welfare department. A person who provides
15 such an assessment shall be a licensed health service psychologist, licensed
16 psychiatrist, certified advanced practice social worker, certified independent social
17 worker, licensed clinical social worker, or licensed professional counselor.

18 **SECTION 7.** 49.45 (25) (bm) 1. of the statutes is amended to read:

19 49.45 (25) (bm) 1. A team of mental health experts appointed by the case
20 management provider determines that the person is a severely emotionally
21 disturbed child. The team shall consist of at least 3 members. The case management
22 provider shall appoint at least one member of the team who is a licensed health
23 service psychologist or a physician specializing in psychiatry. The case management
24 provider shall appoint at least 2 members of the team who are members of the
25 professions of school psychologist, school social worker, registered nurse, social

1 worker, child care worker, occupational therapist or teacher of emotionally disturbed
2 children. The case management provider shall appoint as a member of the team at
3 least one person who personally participated in a psychological evaluation of the
4 child.

5 **SECTION 8.** 49.45 (30f) of the statutes is amended to read:

6 49.45 (30f) PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The
7 department shall include licensed mental health professionals, as defined in s.
8 632.89 (1) (dm), and licensed health service psychologists, ~~as defined in s. 455.01 (4)~~
9 licensed under ch. 455, as providers of psychotherapy and of alcohol and other drug
10 abuse services. Except for services provided under sub. (30e), the department may
11 not require that licensed mental health professionals or licensed health service
12 psychologists be supervised; may not require that clinical psychotherapy or alcohol
13 and other drug abuse services be provided under a certified program; and,
14 notwithstanding subs. (9) and (9m), may not require that a physician or other health
15 care provider first prescribe psychotherapy or alcohol and other drug abuse services
16 to be provided by a licensed mental health professional or licensed health service
17 psychologist before the professional or psychologist may provide the services to the
18 recipient. This subsection does not affect the department's powers under ch. 50 or
19 51 to establish requirements for facilities that are licensed, certified, or operated by
20 the department.

21 **SECTION 9.** 50.06 (4) of the statutes is amended to read:

22 50.06 (4) A determination that an individual is incapacitated for purposes of
23 sub. (2) shall be made by 2 physicians, as defined in s. 448.01 (5), or by one physician
24 and one licensed health service psychologist, ~~as defined in s. 455.01 (4)~~ licensed
25 under ch. 455, who personally examine the individual and sign a statement

1 specifying that the individual is incapacitated. Mere old age, eccentricity, or physical
2 disability, either singly or together, are insufficient to make a finding that an
3 individual is incapacitated. Neither of the individuals who make a finding that an
4 individual is incapacitated may be a relative, as defined in s. 242.01 (11), of the
5 individual or have knowledge that he or she is entitled to or has a claim on any
6 portion of the individual's estate. A copy of the statement shall be included in the
7 individual's records in the facility to which he or she is admitted.

8 **SECTION 10.** 50.94 (8) of the statutes is amended to read:

9 50.94 (8) A determination that a person is incapacitated may be made only by
10 2 physicians or by one physician and one ~~licensed~~ health service psychologist, as
11 ~~defined in s. 455.01 (4), licensed under ch. 455~~ who personally examine the person
12 and sign a statement specifying that the person is incapacitated. Mere old age,
13 eccentricity, or physical disabilities, singly or together, are insufficient to determine
14 that a person is incapacitated. Whoever determines that the person is incapacitated
15 may not be a relative, as defined in s. 242.01 (11), of the person or have knowledge
16 that he or she is entitled to or has claim on any portion of the person's estate. A copy
17 of the statement shall be included in the records of the incapacitated person in the
18 hospice to which he or she is admitted.

19 **SECTION 11.** 51.03 (6) (a) of the statutes is amended to read:

20 51.03 (6) (a) In this subsection, "licensed treatment professional" means a
21 physician who has completed a residence in psychiatry; a health service psychologist
22 ~~or a private practice school psychologist~~ licensed under ch. 455; a marriage and
23 family therapist licensed under s. 457.10 or 457.11; a professional counselor licensed
24 under s. 457.12 or 457.13; an advanced practice social worker granted a certificate
25 under s. 457.08 (2); an independent social worker licensed under s. 457.08 (3); a

1 clinical social worker licensed under s. 457.08 (4); or any of these individuals
2 practicing under a currently valid training or temporary license or certificate
3 granted under applicable provisions of ch. 457. "Licensed treatment professional"
4 does not include an individual whose license or certificate is suspended, revoked, or
5 voluntarily surrendered, or whose license or certificate is limited or restricted, when
6 practicing in areas prohibited by the limitation or restriction.

7 **SECTION 12.** 51.15 (2) of the statutes is amended to read:

8 51.15 (2) FACILITIES FOR DETENTION. The law enforcement officer or other person
9 authorized to take a child into custody under ch. 48 or to take a juvenile into custody
10 under ch. 938 shall transport the individual, or cause him or her to be transported,
11 for detention, if the county department of community programs in the county in
12 which the individual was taken into custody approves the need for detention, and for
13 evaluation, diagnosis, and treatment if permitted under sub. (8). The county
14 department may approve the detention only if a physician who has completed a
15 residency in psychiatry, a health service psychologist licensed under ch. 455, or a
16 mental health professional, as determined by the department, has performed a crisis
17 assessment on the individual and agrees with the need for detention and the county
18 department reasonably believes the individual will not voluntarily consent to
19 evaluation, diagnosis, and treatment necessary to stabilize the individual and
20 remove the substantial probability of physical harm, impairment, or injury to
21 himself, herself, or others. For purposes of this subsection, a crisis assessment may
22 be conducted in person, by telephone, or by telemedicine or video conferencing
23 technology. Detention may only be in a treatment facility approved by the
24 department or the county department, if the facility agrees to detain the individual,
25 or a state treatment facility.

1 **SECTION 13.** 51.15 (4m) (a) 1. of the statutes is amended to read:

2 51.15 (**4m**) (a) 1. "Treatment director" includes a fully licensed physician or
3 licensed health service psychologist who is a full-time or part-time employee of, or
4 on contract with, the Milwaukee County Behavioral Health Division and who
5 actively assumes clinical responsibility for the provision of emergency service care.

6 **SECTION 14.** 51.20 (1) (ar) (intro.) of the statutes is amended to read:

7 51.20 (**1**) (ar) (intro.) If the individual is an inmate of a state prison, the petition
8 may allege that the inmate is mentally ill, is a proper subject for treatment and is
9 in need of treatment. The petition shall allege that appropriate less restrictive forms
10 of treatment have been attempted with the individual and have been unsuccessful
11 and it shall include a description of the less restrictive forms of treatment that were
12 attempted. The petition shall also allege that the individual has been fully informed
13 about his or her treatment needs, the mental health services available to him or her
14 and his or her rights under this chapter and that the individual has had an
15 opportunity to discuss his or her needs, the services available to him or her and his
16 or her rights with a licensed physician or a licensed health service psychologist. The
17 petition shall include the inmate's sentence and his or her expected date of release
18 as determined under s. 302.11 or 302.113, whichever is applicable. The petition shall
19 have attached to it a signed statement by a licensed physician or a licensed health
20 service psychologist of a state prison and a signed statement by a licensed physician
21 or a licensed health service psychologist of a state treatment facility attesting either
22 of the following:

23 **SECTION 15.** 51.20 (9) (a) 1. of the statutes is amended to read:

24 51.20 (**9**) (a) 1. If the court finds after the hearing that there is probable cause
25 to believe the allegations under sub. (1), it shall appoint 2 licensed physicians

1 specializing in psychiatry, or one licensed physician and one licensed health service
2 psychologist, or 2 licensed physicians one of whom shall have specialized training in
3 psychiatry, if available, or 2 physicians, to personally examine the subject individual.
4 The examiners shall have the specialized knowledge determined by the court to be
5 appropriate to the needs of the subject individual. The examiners may not be related
6 to the subject individual by blood, marriage, or adoption and may not have any
7 interest in his or her property.

8 **SECTION 16.** 51.20 (9) (a) 5. of the statutes is amended to read:

9 51.20 (9) (a) 5. The examiners shall personally observe and examine the subject
10 individual at any suitable place and satisfy themselves, if reasonably possible, as to
11 the individual's mental condition, and shall make independent reports to the court.
12 The subject individual's treatment records shall be available to the examiners. If the
13 subject individual is not detained pending the hearing, the court shall designate the
14 time and place where the examination is to be held and shall require the individual's
15 appearance. A written report shall be made of all such examinations and filed with
16 the court. The report and testimony, if any, by the examiners shall be based on beliefs
17 to a reasonable degree of medical certainty, or professional certainty if an examiner
18 is a health service psychologist, in regard to the existence of the conditions described
19 in sub. (1), and the appropriateness of various treatment modalities or facilities. If
20 the examiners are unable to make conclusions to a reasonable degree of medical or
21 professional certainty, the examiners shall so state in their report and testimony, if
22 any.

23 **SECTION 17.** 51.30 (1) (b) of the statutes is amended to read:

24 51.30 (1) (b) "Treatment records" include the registration and all other records
25 that are created in the course of providing services to individuals for mental illness,

1 developmental disabilities, alcoholism, or drug dependence and that are maintained
2 by the department; by county departments under s. 51.42 or 51.437 and their staffs;
3 by treatment facilities; or by health service psychologists licensed under s. ~~455.04~~ (1)
4 ch. 455 or licensed mental health professionals who are not affiliated with a county
5 department or treatment facility. Treatment records do not include notes or records
6 maintained for personal use by an individual providing treatment services for the
7 department, a county department under s. 51.42 or 51.437, or a treatment facility,
8 if the notes or records are not available to others.

9 **SECTION 18.** 51.35 (3) (a) of the statutes is amended to read:

10 51.35 (3) (a) A licensed health service psychologist of a juvenile correctional
11 facility or a secured residential care center for children and youth, or a licensed
12 physician of the department of corrections, who has reason to believe that any
13 individual confined in the juvenile correctional facility or secured residential care
14 center for children and youth is, in his or her opinion, in need of services for
15 developmental disability, alcoholism, or drug dependency or in need of psychiatric
16 services, and who has obtained consent to make a transfer for treatment, shall make
17 a report, in writing, to the superintendent of the juvenile correctional facility or
18 secured residential care center for children and youth, stating the nature and basis
19 of the belief and verifying the consent. In the case of a minor age 14 or older who is
20 in need of services for developmental disability or who is in need of psychiatric
21 services, the minor and the minor's parent or guardian shall consent unless the
22 minor is admitted under s. 51.13 (1) (c) or unless the minor refuses to consent, in
23 which case the minor's parent or guardian may consent on behalf of the minor. In
24 the case of a minor age 14 or older who is in need of services for alcoholism or drug
25 dependency or a minor under the age of 14 who is in need of services for

developmental disability, alcoholism, or drug dependency or in need of psychiatric services, only the minor's parent or guardian needs to consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent shall inform, orally and in writing, the minor and the minor's parent or guardian, that transfer is being considered and shall inform them of the basis for the request and their rights as provided in s. 51.13 (3) (am). If the department of corrections, upon review of a request for transfer, determines that transfer is appropriate, that department shall immediately notify the department of health services and, if the department of health services consents, the department of corrections may immediately transfer the individual. The department of health services shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility is located.

SECTION 19. 51.35 (3) (c) of the statutes is amended to read:

51.35 (3) (c) A licensed health service psychologist of a juvenile correctional facility or a secured residential care center for children and youth or a licensed physician of the department of corrections, who has reason to believe that any individual confined in the juvenile correctional facility or secured residential care center for children and youth, in his or her opinion, has a mental illness, drug dependency, or developmental disability and is dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written report with the superintendent of the juvenile correctional facility or secured residential care center for children and youth, stating the nature and basis of the belief. If the superintendent, upon review of the allegations in the report, determines that transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under chs. 48 and 938

1 of the county where the juvenile correctional facility or secured residential care
2 center for children and youth is located. The court shall hold a hearing according to
3 procedures provided in s. 51.20 or 51.45 (13).

4 **SECTION 20.** 51.37 (5) (a) of the statutes is amended to read:

5 51.37 (5) (a) When a licensed physician or licensed health service psychologist
6 of a state prison, of a county jail or of the department of corrections reports in writing
7 to the officer in charge of a jail or institution that any prisoner is, in his or her opinion,
8 mentally ill, drug dependent, or developmentally disabled and is appropriate for
9 treatment as described in s. 51.20 (1), or is an alcoholic and is dangerous as described
10 in s. 51.45 (13) (a) 1. and 2.; or that the prisoner is mentally ill, drug dependent,
11 developmentally disabled or is an alcoholic and is in need of psychiatric or
12 psychological treatment, and that the prisoner voluntarily consents to a transfer for
13 treatment, the officer shall make a written report to the department of corrections
14 which may transfer the prisoner if a voluntary application is made and the
15 department of health services consents. If voluntary application is not made, the
16 department of corrections may file a petition for involuntary commitment under s.
17 51.20 (1) or 51.45 (13). Any time spent by a prisoner in an institution designated
18 under sub. (3) or s. 51.37 (2), 1983 stats., shall be included as part of the individual's
19 sentence.

20 **SECTION 21.** 51.40 (1) (g) 2. of the statutes is amended to read:

21 51.40 (1) (g) 2. The status of an individual for whom there is substantial
22 evidence, based on documentation from a licensed physician or health service
23 psychologist who has personally examined the individual and who has expertise
24 concerning the type of mental disability evidenced by the individual, that the
25 individual is incapable of indicating intent.

SECTION 22. 51.42 (7) (a) 7. of the statutes is amended to read:

51.42 **(7)** (a) 7. Develop a program in consultation with the department of safety and professional services to use voluntary, uncompensated services of licensed or certified professionals to assist the department of health services in evaluating community mental health programs in exchange for continuing education credits for ~~the professionals~~ physicians under ~~ss. s.~~ 448.40 (2) (e) and continuing professional development credits for psychiatrists under s. 455.065 (5) (2) (b).

SECTION 23. 51.442 (5) (b) 1. of the statutes is amended to read:

51.442 **(5)** (b) 1. Second opinion diagnostic and medication management evaluations conducted either by a health service psychiatrist or by a social worker or psychologist, or a registered nurse with psychiatric training, either by in-person conference or by teleconference, video conference, or voice over Internet protocol.

SECTION 24. 51.61 (1) (i) 1. of the statutes is amended to read:

51.61 **(1)** (i) 1. Except as provided in subd. 2., have a right to be free from physical restraint and isolation except for emergency situations or when isolation or restraint is a part of a treatment program. Isolation or restraint may be used only when less restrictive measures are ineffective or not feasible and shall be used for the shortest time possible. When a patient is placed in isolation or restraint, his or her status shall be reviewed once every 30 minutes. Each facility shall have a written policy covering the use of restraint or isolation that ensures that the dignity of the individual is protected, that the safety of the individual is ensured, and that there is regular, frequent monitoring by trained staff to care for bodily needs as may be required. Isolation or restraint may be used for emergency situations only when it is likely that the patient may physically harm himself or herself or others. The treatment director shall specifically designate physicians who are authorized to

1 order isolation or restraint, and shall specifically designate licensed health service
2 psychologists who are authorized to order isolation. If the treatment director is not
3 a physician, the medical director shall make the designation. In the case of a center
4 for the developmentally disabled, use shall be authorized by the director of the
5 center. The authorization for emergency use of isolation or restraint shall be in
6 writing, except that isolation or restraint may be authorized in emergencies for not
7 more than one hour, after which time an appropriate order in writing shall be
8 obtained from the physician or licensed health service psychologist designated by the
9 director, in the case of isolation, or the physician so designated in the case of
10 restraint. Emergency isolation or restraint may not be continued for more than 24
11 hours without a new written order. Isolation may be used as part of a treatment
12 program if it is part of a written treatment plan, and the rights specified in this
13 subsection are provided to the patient. The use of isolation as a part of a treatment
14 plan shall be explained to the patient and to his or her guardian, if any, by the person
15 who provides the treatment. A treatment plan that incorporates isolation shall be
16 evaluated at least once every 2 weeks. Patients who have a recent history of physical
17 aggression may be restrained during transport to or from the facility. Persons who
18 are committed or transferred under s. 51.35 (3) or 51.37 or under ch. 971 or 975, or
19 who are detained or committed under ch. 980, and who, while under this status, are
20 transferred to a hospital, as defined in s. 50.33 (2), for medical care may be isolated
21 for security reasons within locked facilities in the hospital. Patients who are
22 committed or transferred under s. 51.35 (3) or 51.37 or under ch. 971 or 975, or who
23 are detained or committed under ch. 980, may be restrained for security reasons
24 during transport to or from the facility.

25 **SECTION 25.** 51.61 (2) of the statutes is amended to read:

1 51.61 (2) A patient's rights guaranteed under sub. (1) (p) to (t) may be denied
2 for cause after review by the director of the facility, and may be denied when
3 medically or therapeutically contraindicated as documented by the patient's
4 physician, licensed health service psychologist, or licensed mental health
5 professional in the patient's treatment record. The individual shall be informed in
6 writing of the grounds for withdrawal of the right and shall have the opportunity for
7 a review of the withdrawal of the right in an informal hearing before the director of
8 the facility or his or her designee. There shall be documentation of the grounds for
9 withdrawal of rights in the patient's treatment record. After an informal hearing is
10 held, a patient or his or her representative may petition for review of the denial of
11 any right under this subsection through the use of the grievance procedure provided
12 in sub. (5) or, for review of the denial of a right by a licensed mental health
13 professional who is not affiliated with a county department or treatment facility,
14 through the use of one of the grievance resolution procedure options required under
15 s. 457.04 (8). Alternatively, or in addition to the use of the appropriate grievance
16 procedure, a patient or his or her representative may bring an action under sub. (7).

17 **SECTION 26.** 54.01 (27) of the statutes is amended to read:

18 54.01 (27) "Psychologist" means a licensed health service psychologist, as
19 defined in ~~s. 455.01 (4)~~ licensed under ch. 455.

20 **SECTION 27.** 146.34 (1) (i) of the statutes is amended to read:

21 146.34 (1) (i) "Psychologist" means a ~~person licensed to practice psychology~~
22 health service psychologist licensed under ch. 455.

23 **SECTION 28.** 146.89 (1) (r) 5m. of the statutes is amended to read:

24 146.89 (1) (r) 5m. A health service psychologist who is licensed under ch. 455.

25 **SECTION 29.** 155.01 (7) of the statutes is amended to read:

1 155.01 (7) “Health care provider” means a nurse licensed or permitted under
2 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
3 physician, physician assistant, perfusionist, podiatrist, physical therapist, physical
4 therapist assistant, occupational therapist, or occupational therapy assistant
5 licensed under ch. 448, a person practicing Christian Science treatment, an
6 optometrist licensed under ch. 449, a health service psychologist licensed under ch.
7 455, a partnership thereof, a corporation or limited liability company thereof that
8 provides health care services, a cooperative health care association organized under
9 s. 185.981 that directly provides services through salaried employees in its own
10 facility, or a home health agency, as defined in s. 50.49 (1) (a).

11 **SECTION 30.** 155.05 (2) of the statutes is amended to read:

12 155.05 (2) Unless otherwise specified in the power of attorney for health care
13 instrument, an individual’s power of attorney for health care takes effect upon a
14 finding of incapacity by 2 physicians, as defined in s. 448.01 (5), or one physician and
15 one licensed health service psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch.
16 455, who personally examine the principal and sign a statement specifying that the
17 principal has incapacity. Mere old age, eccentricity, or physical disability, either
18 singly or together, are insufficient to make a finding of incapacity. Neither of the
19 individuals who make a finding of incapacity may be a relative of the principal or
20 have knowledge that he or she is entitled to or has a claim on any portion of the
21 principal’s estate. A copy of the statement, if made, shall be appended to the power
22 of attorney for health care instrument.

23 **SECTION 31.** 244.09 (3) (a) of the statutes is amended to read:

1 244.09 (3) (a) A physician licensed under ch. 448 or a health service
2 psychologist licensed under ch. 455 that the principal is incapacitated within the
3 meaning of s. 244.02 (7) (a).

4 **SECTION 32.** 252.14 (1) (ar) 6. of the statutes is amended to read:

5 252.14 (1) (ar) 6. A health service psychologist licensed under ch. 455.

6 **SECTION 33.** 257.01 (1) (a) of the statutes is amended to read:

7 257.01 (1) (a) An individual who, under ch. 455, is licensed as a health service
8 psychologist or, under ch. 457, is certified as a social worker or licensed as a clinical
9 social worker, a marriage and family therapist, or a professional counselor.

10 **SECTION 34.** 257.01 (1) (b) of the statutes is amended to read:

11 257.01 (1) (b) An individual who was at any time within the previous 10 years,
12 but is not currently, licensed as a health service psychologist under ch. 455 or
13 certified as a social worker or licensed as a clinical social worker, a marriage and
14 family therapist, or a professional counselor under ch. 457, if the individual's license
15 or certification was never revoked, limited, suspended, or denied renewal.

16 **SECTION 35.** 301.48 (6) (e) of the statutes is amended to read:

17 301.48 (6) (e) A person filing a petition requesting termination of lifetime
18 tracking who is entitled to a hearing under par. (d) 2. shall be examined by a person
19 who is either a physician or a health service psychologist licensed under ch. 455 and
20 who is approved by the court. The physician or psychologist who conducts an
21 examination under this paragraph shall prepare a report of his or her examination
22 that includes his or her opinion of whether the person petitioning for termination of
23 lifetime tracking is a danger to the public. The physician or psychologist shall file
24 the report of his or her examination with the court within 60 days after completing
25 the examination, and the court shall provide copies of the report to the person filing

1 the petition and the district attorney. The contents of the report shall be confidential
2 until the physician or psychologist testifies at a hearing under par. (g). The person
3 petitioning for termination of lifetime tracking shall pay the cost of an examination
4 required under this paragraph.

5 **SECTION 36.** 440.03 (11) of the statutes is amended to read:

6 440.03 (11) The department shall cooperate with the department of health
7 services to develop a program to use voluntary, uncompensated services of licensed
8 or certified professionals to assist the department of health services in the evaluation
9 of community mental health programs in exchange for continuing education credits
10 for the professionals physicians under ss. s. 448.40 (2) (e) and continuing professional
11 development credits for psychologists under s. 455.065 (5) (2) (b).

12 **SECTION 37.** 440.03 (13) (b) 55. of the statutes is repealed.

13 **SECTION 38.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

14 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
15 444.03, 444.11, 447.04 (2) (c) 2., 449.17 (1m) (d), 449.18 (2) (d), 455.06 (1) (b), 463.10,
16 463.12, and 463.25 and subch. II of ch. 448, the renewal dates for credentials are as
17 follows:

18 **SECTION 39.** 440.08 (2) (a) 63. of the statutes is repealed.

19 **SECTION 40.** 440.88 (3m) of the statutes is amended to read:

20 440.88 (3m) EXCEPTION. This section does not apply to a physician, as defined
21 in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), or a licensed
22 health service psychologist, ~~as defined in s. 455.01 (4)~~ licensed under ch. 455, who
23 practices as a substance abuse clinical supervisor or provides substance abuse
24 counseling, treatment, or prevention services within the scope of his or her licensure.

25 **SECTION 41.** 455.01 (1) of the statutes is created to read:

1 455.01 (1) “Applied consulting psychologist” means a psychologist who
2 provides services outside of the health and behavioral health fields for the purpose
3 of enhancing individual or organizational effectiveness, including providing direct
4 services to individuals and groups for assessment and evaluation of personal
5 abilities and characteristics for individual development or behavior change or for
6 making decisions about an individual and providing services to organizations for the
7 benefit of the organization that do not involve providing direct health services to
8 individuals.

9 **SECTION 42.** 455.01 (1m) of the statutes is created to read:

10 455.01 (1m) “Direct health service” means activities a psychologist performs
11 that are directly related to providing psychological services to a patient or client,
12 including note and report writing, studying test results, case consultation, and
13 reviewing published works relevant to the patient’s or client’s needs.

****NOTE: I added “patient” here since we used “patient’s or client’s” further down.

14 **SECTION 43.** 455.01 (2) of the statutes is repealed and recreated to read:

15 455.01 (2) “Doctoral degree in psychology” means a doctoral degree, designated
16 as an Ed.D., Psy.D., or Ph.D., that is obtained through a doctoral psychology training
17 program offered in a regionally accredited institution in the United States, an
18 institution with provincial or territorial authorization in Canada, or, in other
19 countries, an institution that is accredited by an accrediting agency or organization
20 recognized by the U.S. secretary of education.

21 **SECTION 44.** 455.01 (3) of the statutes is renumbered 455.01 (1c) and amended
22 to read:

23 455.01 (1c) “~~Examining board~~” “Board” means the psychology examining
24 board.

1 **SECTION 45.** 455.01 (3m) of the statutes is amended to read:

2 455.01 **(3m)** “Fee” “Fee,” when used other than in reference to a fee for a
3 credential, means direct or indirect payment or compensation, monetary or
4 otherwise, including the expectation of payment or compensation whether or not
5 actually received.

6 **SECTION 46.** 455.01 (3r) of the statutes is created to read:

7 455.01 **(3r)** “Health service psychologist” means a psychologist who provides
8 services within the health and behavioral health fields, including the delivery of
9 direct and indirect preventive, diagnostic, assessment, therapeutic intervention,
10 and health promoting services to patients or clients.

11 **SECTION 47.** 455.01 (4) of the statutes is repealed.

12 **SECTION 48.** 455.01 (5) of the statutes is repealed and recreated to read:

13 455.01 **(5)** (a) “Practice of psychology” means the observation, description,
14 evaluation, interpretation, prediction, and modification of human behavior by the
15 application of psychological principles, methods, and procedures for any of the
16 following purposes:

17 1. Preventing, eliminating, evaluating, assessing, or predicting symptomatic,
18 maladaptive, or undesired behavior and promoting adaptive health maintaining
19 behavior and psychological functioning.

20 2. Evaluating, assessing, or facilitating the enhancement of individual, group,
21 or organizational effectiveness.

22 3. Assisting in legal decision making by applying psychological knowledge to
23 legal matters.

24 (b) “Practice of psychology” includes all of the following:

1 1. Psychological testing and the evaluation or assessment of personal
2 characteristics such as intelligence; personality; cognitive, physical, or emotional
3 abilities; skills; interests; aptitudes; and neuropsychological functioning.

4 2. Psychotherapy and counseling; hypnosis; biofeedback; and behavior therapy
5 and other empirically supported psychotherapeutic procedures.

 ****NOTE: I wasn't sure if "empirically supported psychotherapeutic procedures"
was only referring back to behavior therapy or everything else in this list. If the latter,
then this should be modified to clarify that.

6 3. The diagnosis, treatment, and management of mental and emotional
7 disorders or disabilities, substance use disorders, disorders of habit or conduct, and
8 the psychological aspects of physical illnesses, accidents, injuries, or disabilities.

9 4. Psychoeducational evaluation, therapy, and remediation.

10 5. Consultation with other psychologists, physicians, or other health care
11 professionals and patients regarding all available treatment options, including
12 medication, with respect to the provision of care for a specific patient or client.

13 6. Enhancing individual, group, and organizational effectiveness through the
14 provision of services using psychological principles, methods, or procedures.

15 7. The provision of services to organizations that are provided for the benefit
16 of the organizations, including job analysis, attitude or opinion surveys, selection
17 assessment, group administration of standardized tests, selection validation
18 studies, designing performance appraisal systems, employee training and
19 development, organization design, advising management on human behavior in
20 organizations, organizational assessment, diagnosis and consultation regarding
21 organizational problems, and other related services.

22 8. The supervision of anything specified in subds. 1. to 7.

1 (c) "Practice of psychology" has the meaning specified in pars. (a) and (b)
2 regardless of whether payment is received for services rendered or if the practice is
3 conducted in person or via electronic means.

4 **SECTION 49.** 455.01 (5m) of the statutes is created to read:

5 455.01 (5m) "Psychological services" means services constituting the practice
6 of psychology that are performed in any setting, including in a business,
7 organizational, health care, or mental health care setting.

8 **SECTION 50.** 455.01 (6) of the statutes is repealed and recreated to read:

9 455.01 (6) "Psychotherapy and counseling" means the diagnosis and treatment
10 of mental, emotional, or behavioral disorders, conditions, or addictions through the
11 application of methods derived from established psychological or systemic
12 principles, including for the purpose of assisting individuals with modifying their
13 behaviors, cognitions, emotions, and other personal characteristics, or for the
14 purpose of understanding unconscious processes or intrapersonal, interpersonal, or
15 psychosocial dynamics.

16 **SECTION 51.** 455.01 (7) of the statutes is repealed.

17 **SECTION 52.** 455.02 of the statutes is repealed and recreated to read:

18 **455.02 License required to practice; use of titles. (1)** (a) *Practice of*
19 *psychology.* Except as provided in sub. (2) and s. 257.03, no individual may engage
20 in or attempt to engage in the practice of psychology or make a representation as
21 authorized to engage in the practice of psychology without a valid license issued
22 under this chapter.

23 (b) *Use of titles generally.* Except as provided in sub. (2) and s. 257.03, no
24 individual may do any of the following:

1 1. Use the title “psychologist” or any similar title without a license issued under
2 this chapter.

3 2. Represent himself or herself to the public by any description of services
4 incorporating the word “psychology,” the word “psychological,” or any similar word,
5 alone or in combination with the words or phrases “industrial/organizational,”
6 “applied,” “clinical,” “counseling,” “consulting,” “interim,” or “health service,”
7 without a license issued under this chapter.

8 3. State or imply that he or she is licensed to practice psychology without a valid
9 license issued under this chapter.

10 (c) *Health service psychologist.* Except as provided in sub. (2), no individual
11 may use the title “health service psychologist” or state or imply that he or she is a
12 licensed health service psychologist without a valid license issued under s. 455.035
13 (1) (a) or (b).

14 (d) *Applied consulting psychologist.* Except as provided in sub. (2), no
15 individual may use the title “applied consulting psychologist” or state or imply that
16 he or she is a licensed applied consulting psychologist without a valid license issued
17 under s. 455.035 (2).

18 **(2)** (a) *Occupational exemptions.* Subsection (1) (a) does not apply to any of the
19 following:

20 1. An individual lawfully practicing within the scope of a license, permit,
21 registration, certificate, or certification granted by this state.

22 2. An individual pursuing a course of study leading to a graduate degree in
23 medicine, social work, marriage and family therapy, or professional counseling at an
24 accredited college or university while working in a training program, if the person’s
25 activities and services constitute a part of his or her supervised course of study and

1 the person is designated by a title that clearly indicates the training status
2 appropriate to the person's level of training.

3 3. An individual credentialed by the department of public instruction to provide
4 counseling services, if the person is performing activities that are a part of the duties
5 for which he or she is employed, is performing those activities solely within the
6 confines of or under the jurisdiction of the school district by which he or she is
7 employed, and does not render or offer to render psychological services to the public
8 for a fee over and above the salary that he or she receives for the performance of the
9 official duties with the school district by which he or she is employed.

10 4. An ordained member of the clergy of any religious denomination or sect who
11 is associated with a church, synagogue, or other religious organization, contributions
12 to which are tax deductible for federal and state income tax purposes, if the member
13 of the clergy is engaged in activities that are within the scope of his or her regular
14 duties as a member of the clergy and that are not rendered to the public for a fee over
15 and above the salary or other compensation that he or she receives for the
16 performance of his or her official duties as a member of the clergy with the church,
17 synagogue, or religious organization with which he or she is associated.

18 5. An individual coordinating or participating in the activities of a nonprofit
19 peer support group, if the person performs those activities solely within the confines
20 of the peer support group and does not render or offer to render psychological services
21 to any member of the public for a fee.

22 (b) *Psychologist employed by federal government.* Subsection (1) (a) and (b) and
23 sub. (1) (c) or (d), as appropriate, do not apply to an individual providing
24 psychological services as an employee of a federal governmental agency if all of the
25 following apply:

1 1. The person is licensed as a health service psychologist or applied consulting
2 psychologist in another state.

3 2. The person is providing the psychological services as a part of the duties for
4 which he or she is employed by the employing agency.

5 3. The person is providing the psychological services solely within the confines
6 of or under the jurisdiction of the employing agency.

7 4. The person does not provide or offer to provide psychological services to
8 residents of this state for a fee over and above the salary that he or she receives for
9 the performance of the official duties with the employing agency.

10 (c) *Psychological associate*. 1. Subsection (1) (a) does not apply to an individual
11 providing psychological health services as an employee of a state governmental
12 agency under the supervision of a licensed health service psychologist if all of the
13 following apply:

14 a. The person provides the psychological health services as a part of the duties
15 for which the person is employed.

16 b. The person provides the psychological services solely within the confines of
17 or under the jurisdiction of the employing agency.

18 c. The person does not provide or offer to provide psychological services to the
19 public for a fee over and above the salary that the person receives for the performance
20 of the official duties with the employing agency.

21 d. The person has received a master's degree in an appropriate recognized field
22 of psychology from an institution accredited by an accrediting agency or organization
23 recognized by the U.S. secretary of education.

24 2. An individual who qualifies for the exemption under subd. 1. may use the
25 title "psychological associate."

1 (d) *Psychology student, intern, or resident.* 1. An individual providing
2 psychological services as part of a psychology training program that qualifies under
3 s. 455.04 (1g) (a) or (1m) (a) may engage in the practice of psychology under the
4 supervision of a psychologist licensed under this chapter.

5 2. An individual who qualifies for the exemption under subd. 1. may use the
6 title “psychology student,” “psychology intern,” or “psychology resident” if the person
7 does not provide or offer to provide psychological services to the public for a fee over
8 and above any salary that he or she may receive for the performance of the official
9 duties with the employing agency or organization.

10 (e) *Psychology fellow.* 1. In this paragraph, “psychology fellow” means an
11 individual providing psychological services under the supervision of a psychologist
12 licensed under this chapter as part of a formal psychology fellowship program that
13 meets the program standards of the Association of Psychology Postdoctoral and
14 Internship Centers or its successor organization.

15 2. A psychology fellow may engage in the practice of psychology and may use
16 the title “psychology fellow” while working to meet postgraduate requirements for
17 licensure or similar requirements in another jurisdiction.

18 (f) *Associate psychologist.* 1. In this paragraph, “associate psychologist” means
19 an individual holding a doctoral degree in psychology who provides psychological
20 services under the supervision of a psychologist licensed under this chapter while
21 working to meet postgraduate requirements for licensure.

22 2. An associate psychologist may engage in the practice of psychology and may
23 use the title “associate psychologist” while working to meet postgraduate
24 requirements for licensure or similar requirements in another jurisdiction.

1 (g) *Psychology professor or academic psychologist.* 1. An individual with a
2 doctoral degree in psychology who is employed by a recognized research laboratory,
3 school, college, university, or governmental agency may do any of the following:

4 a. Use the title “psychology professor” or “academic psychologist,” or a
5 reasonable variant thereof.

6 b. Teach the practice of psychology, conduct psychological research, present
7 lectures on the practice of psychology, or perform any consultation required by his
8 or her academic or research functions.

9 c. Utilize or represent himself or herself by the academic or research title
10 conferred upon him or her by the administration of the laboratory, school, college,
11 university, or governmental agency.

12 d. Provide expert testimony in court related to his or her field of expertise.

13 2. Subdivision 1. a. to d. does not permit an individual described in subd. 1.
14 (intro.) to engage in the practice of psychology in violation of sub. (1) (a).

15 (h) *School psychologist.* An individual credentialed by the department of public
16 instruction to provide psychological services in school settings may provide those
17 services if he or she uses a title that includes the word “school.” Such an individual
18 may provide the psychological services only within the confines of or under the
19 jurisdiction of his or her employing agency and may not provide or offer to provide
20 psychological services to the public for a fee over and above the salary that he or she
21 receives for the performance of his or her official duties with the employing agency.

22 (j) *Exemptions by board.* The board may promulgate rules to establish one or
23 more additional exemptions from sub. (1) (a) or (b) if they are consistent with national
24 practice standards.

25 **SECTION 53.** 455.025 of the statutes is created to read:

1 **455.025 Practice of medicine and surgery.** Nothing in this chapter shall
2 be construed to authorize a psychologist to engage in the practice of medicine and
3 surgery.

4 **SECTION 54.** 455.03 of the statutes is renumbered 455.02 (2) (i) and amended
5 to read:

6 455.02 (2) (i) *Temporary practice.* ~~A Subsection (1) (a) and (b) and sub. (1) (c)~~
7 ~~or (d), as appropriate, do not apply to a~~ psychologist who is licensed or certified by
8 a similar examining board of another state or territory of the United States or of a
9 foreign country or a Canadian province whose standards, in the opinion of the
10 examining board, are equivalent to or higher than the requirements for licensure as
11 a psychologist in s. 455.04 (1) may offer who provides psychological services as a
12 psychologist in this state for not more than 60 working days in any year without
13 holding a license issued under s. 455.04 (1). The psychologist shall report to the
14 examining board the nature and extent of his or her practice in this state if it exceeds
15 20 working days within a year. A psychologist provides psychological services in this
16 state for purposes of this paragraph whenever the patient or client is located in this
17 state, regardless of whether the psychologist is temporarily located in this state or
18 is providing services by electronic or telephonic means from the state where the
19 psychologist is licensed. The exemption under this paragraph may be withdrawn at
20 any time by the board upon evidence of a violation of statutes, rules, or a code of
21 conduct. Psychologists providing services under the Psychology Interjurisdictional
22 Compact may provide services under the terms of the compact.

23 **SECTION 55.** 455.035 of the statutes is created to read:

455.035 Licensure of psychologists. (1) HEALTH SERVICE PSYCHOLOGIST. (a)

Health service psychologist license. The board shall grant a health service psychologist license to an individual who satisfies all of the following:

1. The general requirements under s. 455.04 (1).

2. The additional requirements under s. 455.04 (1g) for a health service psychologist license.

(b) *Interim license.* The board shall grant an interim health service psychologist license to an individual who satisfies the requirements for a license under par. (a), other than the requirement under s. 455.04 (1g) (c). An individual licensed under this paragraph may provide psychological services only under the supervision of a psychologist who satisfies the criteria under s. 455.04 (9) (a) and (b).

(2) APPLIED CONSULTING PSYCHOLOGIST LICENSE. The board shall grant an applied consulting psychologist license to an individual who satisfies all of the following:

(a) The general requirements under s. 455.04 (1).

(b) The additional requirements under s. 455.04 (1m) for an applied consulting psychologist license.

(3) PREVIOUSLY LICENSED INDIVIDUALS. Prior to the effective date of this subsection [LRB inserts date], an individual licensed as a psychologist under s. 455.04, 2015 stats., may, in accordance with the process established under 2017 Wisconsin Act (this act), section 89 (1), apply to the board to be granted a health service psychologist license under sub. (1) (a) or an applied consulting psychologist license under sub. (2). Notwithstanding the requirements for either license under s. 455.04, the criteria for a license granted under this subsection shall be as determined by the board under 2017 Wisconsin Act (this act), section 89 (1), and

1 no fee may be charged for a license granted under this subsection. Each individual
2 licensed as a psychologist under s. 455.04, 2015 stats., who applies for a license under
3 this subsection shall be granted either a health service psychologist license or an
4 applied consulting psychologist license, or both, as determined in accordance with
5 the criteria described above. An individual granted a license under this subsection
6 shall be considered to be licensed under sub. (1) (a) or (2), whichever is applicable,
7 except that the exemption under s. 455.065 (1) (e) does not apply to an individual
8 licensed under this subsection.

****NOTE: What I came up with for grandfathering was that, prior to the changes in the bill going into effect, the board would establish a process and criteria for moving current licensees to either HSPs, ACPs, or both, and that everyone would have to apply to the board before the bill took effect to get his or her new HSP or ACP license. The old license would effectively terminate. Once an individual had the new HSP or ACP license, he or she would be treated like anyone else, except that he or she would have to complete his or her continuing prof. development credits as he or she did previously. You may, however, want to use some other approach, or get the department's input on whether this might be problematic for any reason. But from our discussion, it sounded like licensees would have to be proactive in some way in order for the board to determine whether the individual should be moved to an HSP license, ACP license, or both.

9 **SECTION 56.** 455.04 of the statutes is repealed and recreated to read:

10 **455.04 Requirements for licensure. (1) GENERAL REQUIREMENTS.** An
11 applicant for any license under this chapter must satisfy all of the following
12 requirements:

13 (a) The applicant is at least 18 years of age.

14 (b) Subject to ss. 111.321, 111.322, and 111.335, the applicant does not have an
15 arrest or conviction record.

16 (bm) The applicant pays the fee determined by the department under s. 440.03

17 (9) (a).

****NOTE: I moved the examination requirements from the "general" requirements section to both the ACP and HSP sections, because of the requested changes to s. 455.045. With those requested changes, it sounds like there could be more than one examination under each provision, and that there might be different examinations for ACPs vs. HSPs.

So I moved these provisions to both the ACP and HSP so as not to imply that the board has to use the same examinations for both ACPs and HSPs.

1 (c) The applicant is found competent by the board to engage in the practice of
2 psychology in an examination under s. 455.045 (5), if required by the board.

3 (d) The applicant is found capable of practicing in an examination under s.
4 455.095, if required by the board.

5 **(1g) HEALTH SERVICE PSYCHOLOGIST LICENSE REQUIREMENTS.** An applicant for a
6 health service psychologist license under this chapter must satisfy all of the
7 following requirements in addition to satisfying the requirements under sub. (1):

8 (a) The applicant provides, in the manner specified under sub. (2), evidence to
9 the board of having satisfied one of the following requirements:

10 1. Graduation from a psychology training program that is accredited by the
11 American Psychological Association or the Canadian Psychological Association and
12 satisfies the requirements under sub. (6).

13 2. Graduation from a psychology training program that satisfies the
14 requirements under subs. (6) and (7).

15 (b) The applicant provides evidence to the board of having completed a
16 supervised internship or residency that satisfies the requirements under sub. (8) (a)
17 and (b).

18 (c) The applicant provides evidence to the board of having completed a
19 postdoctoral supervised experience that satisfies the requirements under sub. (8) (a)
20 and (c).

21 (d) The applicant provides evidence of having passed any examinations
22 required under s. 455.045 (1) (a).

1 (e) The applicant has passed any examinations required under s. 455.045 (1)
2 (b).

3 **(1m)** APPLIED CONSULTING PSYCHOLOGIST LICENSE REQUIREMENTS. An applicant
4 for an applied consulting psychologist license under this chapter must satisfy all of
5 the following requirements in addition to satisfying the requirements under sub. (1):

6 (a) The applicant provides, in the manner specified under sub. (2), evidence to
7 the board of having graduated from a psychology training program that satisfies the
8 requirements under subs. (6) and (7m).

9 (b) The applicant provides evidence to the board of having completed a
10 supervised experience that satisfies the requirements under sub. (8) (d).

11 (c) The applicant provides evidence of having passed any examinations
12 required under s. 455.045 (1) (a).

13 (d) The applicant has passed any examinations required under s. 455.045 (1)
14 (b).

15 **(1r)** DUAL LICENSURE. An individual may apply for and be granted both a health
16 service psychologist license under sub. (1) (a) and an applied consulting psychologist
17 license under sub. (2) if the individual satisfies the requirements for both licenses,
18 including the payment of a separate fee under s. 455.04 (1) (bm) for each license.

***NOTE: I added this to make clear that an individual may be licensed as both but
would have to pay fees for both.

19 **(2)** PROOF OF DEGREE. An applicant may, for the purpose of satisfying the
20 requirement under sub. (1g) (a) or (1m) (a), provide to the board any of the following
21 as evidence that the applicant graduated from a psychology training program that
22 satisfies the requirements described under sub. (1g) (a) or (1m) (a):

1 (a) An official transcript issued by the institution at which the psychology
2 training program is housed.

3 (b) Documentation of academic credentials evaluated by the National Register
4 of Health Service Psychologists, the Association of State and Provincial Psychology
5 Boards, or another credential evaluation organization approved by the board.

6 **(6) GENERAL REQUIREMENTS FOR PSYCHOLOGY TRAINING PROGRAMS.** (a) For
7 purposes of subs. (1g) (a) 1. and 2. and (1m) (a), a psychology training program must
8 satisfy all of the following requirements, as determined by the board:

9 1. The program is housed within an institution accredited by an accrediting
10 agency or organization recognized by the U.S. secretary of education or an institution
11 with provincial or territorial authorization in Canada.

12 2. The program, regardless of where it is administratively housed, is clearly
13 identified and labeled as a psychology program, and is specified in institutional
14 catalogues and brochures as being intended to educate and train professional
15 psychologists.

16 3. The program offers a doctoral degree in psychology.

17 4. The program is a recognizable, coherent organizational entity within the
18 institution.

19 5. There is a clear authority and primary responsibility for the core and
20 specialty areas.

21 6. The program offers an integrated and organized sequence of study.

22 7. The program has an identifiable psychology faculty that is sufficient in size
23 and breadth to carry out its responsibilities, including a psychologist who is
24 responsible for the program.

1 8. The program has an identifiable body of students who are matriculated in
2 the program in order to earn a doctoral degree in psychology.

3 9. The curriculum includes a minimum of 3 academic years of full-time
4 graduate study.

5 10. Of the 3 years described under subd. 9., the program requires at least one
6 continuous year of physical presence at the institution for face-to-face instruction
7 in topic areas requiring such instruction including, for example, psychodiagnostic
8 assessment, psychotherapy, and psychological testing.

 ****NOTE: Let me know if this language doesn't work for describing residency.

9 11. The program does not use video conferencing or other electronic means
10 as a substitute for physical presence at the institution in order to meet the
11 requirement under subd. 10.

12 (b) 1. In this paragraph, "distance education" means a formal educational
13 process in which instruction occurs when the student and faculty are not in the same
14 physical location and that, as a result, requires special course design, instructional
15 techniques, and methods of communication.

16 2. A psychology training program may include distance education in topic areas
17 conducive to distance education for courses that do not require face-to-face
18 instruction and supervision, including, for example, history and systems,
19 personality theory, and statistics. Instruction may be synchronous or asynchronous
20 and use electronically mediated methodologies for instruction, academic and
21 research advising, mentoring, support and administrative services, evaluation, and
22 other student and faculty contacts.

1 **(7) REQUIREMENTS FOR HEALTH SERVICE PSYCHOLOGIST TRAINING PROGRAMS.** For
2 purposes of sub. (1g) (a) 2., a psychology training program must satisfy all of the
3 following requirements:

4 (a) The program includes practical training consisting of a practicum,
5 internship or residency, and other training appropriate to the practice of psychology
6 that are supervised by an individual who is licensed as a health service psychologist
7 in that state.

8 (b) The program has a curriculum featuring content in all of the following
9 areas, as determined by the board:

10 1. Scientific psychology, including all of the following:

11 a. Biological aspects of behavior.

12 b. Cognitive and affective aspects of behavior.

13 c. Social aspects of behavior.

14 d. History and systems of psychology.

15 e. Psychological measurement.

16 f. Research methodology.

17 g. Techniques of data analysis.

18 2. Scientific, methodical, and theoretical foundations of practice in the
19 substantive area of professional psychology in which the program has its training
20 emphasis, including all of the following:

21 a. Individual differences in behavior.

22 b. Human development.

23 c. Dysfunctional behavior or psychopathology.

24 d. Professional standards and ethics.

1 3. Diagnosing or defining problems through psychological assessment and
2 measurement and formulating and implementing intervention strategies, including
3 instruction in all of the following:

4 a. Theories and methods of assessment and diagnosis.

5 b. Effective intervention.

6 c. Consultation and supervision.

7 d. Evaluating the efficacy of interventions.

8 4. Issues of cultural and individual diversity.

9 5. Skills essential for lifelong learning, scholarly inquiry, and professional
10 problem solving as psychologists in the context of an evolving body of scientific and
11 professional knowledge.

12 **(7m)** REQUIREMENTS FOR APPLIED CONSULTING PSYCHOLOGIST TRAINING PROGRAMS.

13 (a) For purposes of sub. (1m) (a), a psychology training program must satisfy all of
14 the following requirements, as determined by the board:

15 1. The program includes practical training consisting of a practicum, action
16 research, or applied research and field or laboratory training, as appropriate to the
17 practice of applied psychology, that is supervised by an applied consulting
18 supervisor.

****NOTE: I deleted the reference here to requiring 3 years plus 1 year of residency,
since this was duplicative of sub. (6) (a) 9. and 10., which will apply to both HSPs and
ACPs (the language was not repeated in sub. (7) for HSPs) and there should be no need
to say the same thing twice, unless there was an intended distinction there.

19 2. The core program requires every student to demonstrate competence in all
20 of the following substantive areas:

21 a. Biological bases of behavior, including, for example, physiological
22 psychology, comparative psychology, neuropsychology, sensation, and perception.

b. Cognitive-affective bases of behavior, including, for example, learning, thinking, motivation, and emotion.

c. Social bases of behavior, including, for example, social psychology, group processes, and organizational and systems theory.

d. Research and design methodology.

e. Psychometric theory.

f. Individual differences, including, for example, personality theory, human development, and abnormal psychology.

g. Statistics.

h. Scientific and professional ethics and standards.

i. Assessment and evaluation, including, for example, psychological testing, program evaluation, and organizational analysis.

j. Consultation, including evaluation, coaching, and engagement.

k. Personnel psychology.

(b) The requirement under par. (a) 2. may be met if the program provides substantial instruction in each of the areas identified in par. (a) 2. a. to k., as demonstrated by a minimum of 3 graduate semester hours, 5 or more graduate quarter hours, or the equivalent. When an academic term is not a semester, credit hours shall be evaluated on the basis of 15 hours of classroom instruction per semester hour.

(8) REQUIREMENTS FOR SUPERVISED EXPERIENCES. (a) For purposes of sub. (1g) (b) and (c), the supervised internship or residency and postdoctoral experience for an applicant for a health service psychologist license must each satisfy all of the following requirements, as determined by the board:

1 1. The hours must be accumulated at not less than 16 hours per week, nor more
2 than 40 hours per week.

3 2. The experience is in a training setting that includes activities appropriate
4 to the intended area of practice.

5 3. The experience satisfies all of the following:

6 a. At least 25 percent of the experience consists of face-to-face patient or client
7 contact.

8 b. At least 65 percent of the experience consists of either face-to-face patient
9 or client contact or direct health service.

10 c. The experience is under the supervision of qualified supervisors who satisfy
11 the requirements under sub. (9) (a) and (b) and are responsible for the integrity and
12 the quality of the training.

13 d. The experience provides a planned, organized, and integrated practice
14 experience.

15 e. The experience allows trainees to be members of a multidisciplinary team
16 in which the trainees can interact with other professional specialists in serving
17 patients or clients or can interact with referral sources and co-providers of services
18 to the patient or client.

19 f. The experience provides for interaction with other mental health providers
20 and other trainees when feasible.

21 g. The experience provides trainees with a range of direct health service
22 experiences addressing a broad spectrum of psychological problems, and the patients
23 and clients served are representative of the target population for the trainees'
24 intended practice. Service activities that are appropriate for the intended area of

1 practice include intake service, administration, case staffings, research activities,
2 in-service program activities, and consultation.

3 (b) For purposes of sub. (1g) (b), the supervised internship or residency for an
4 applicant for a health service psychologist license must consist of at least 1,500 hours
5 of experience to which all of the following apply, as determined by the board:

6 1. The experience includes at least 2 hours per week of regularly scheduled
7 formal face-to-face individual supervision of the services rendered directly by the
8 trainee.

***NOTE: I changed the text here a bit to match par. (c) 2. OK?

9 2. The experience includes at least 2 hours per week in learning activities such
10 as case conferences, seminars addressing practice issues, and co-therapy with a staff
11 person including discussion, group supervision, and additional individual
12 supervision.

***NOTE: Please review this again as I inserted what appeared to be a missing
“and.”

13 3. The experience does not consist of hours obtained through a practicum,
14 clerkship, or externship.

15 4. The experience is completed prior to the awarding of the doctoral degree in
16 psychology.

17 (c) For purposes of sub. (1g) (c), the postdoctoral experience for an applicant for
18 a health service psychologist license must consist of at least 1,500 hours of experience
19 to which all of the following apply, as determined by the board:

20 1. The experience is completed after the completion of all requirements for the
21 doctoral degree in psychology.

1 2. The experience includes at least one hour per week of regularly scheduled
2 formal face-to-face individual supervision of the services rendered directly by the
3 trainee.

4 3. The supervisor for the postdoctoral experience was not the same individual
5 as the supervisor for the applicant's internship or residency.

6 (d) For purposes of sub. (1m) (b), the supervised experience for an applied
7 consulting psychologist license must consist of at least 1,500 hours of experience to
8 which all of the following apply, as determined by the board:

9 1. The experience is completed after the completion of all requirements for the
10 doctoral degree in psychology, with the exception that the dissertation need not be
11 completed.

12 2. The experience includes at least 2 hours per week of regularly scheduled
13 formal face-to-face individual supervision of the services rendered directly by the
14 trainee.

15 3. The experience provides, in addition to the hours described under subd. 2.,
16 at least 2 hours per week in learning activities such as case conferences, seminars
17 addressing practice issues, group supervision, or additional individual supervision.

18 4. The experience does not consist of hours obtained through a practicum,
19 clerkship, or externship.

20 5. At least 65 percent of the experience consists of face-to-face client contact
21 or direct client support.

22 6. The experience is under the supervision of qualified supervisors who satisfy
23 the requirements under sub. (9) (a) and (c) and are responsible for the integrity and
24 the quality of the training.

1 7. The experience provides a planned, organized, and integrated practice
2 experience.

3 8. The experience provides the trainee with a range of service experiences
4 addressing a broad spectrum of issues, and the clients served are representative of
5 the target population for the trainee's intended practice. Service activities that are
6 appropriate for the intended area of practice include assessment interviews and
7 evaluations, administration, case staffings, research activities, in-service program
8 activities, organizational development, and consultation.

 ****NOTE: I changed "consist with" here to "representative of" as "consistent with"
sounded a bit awkward. OK?

9 **(9) REQUIREMENTS FOR SUPERVISORS.** (a) For purposes of sub. (8) (a) 3. c. and (d)
10 6. and s. 455.035 (1) (b), a supervisor must satisfy all of the following criteria, as
11 determined by the board:

12 1. The supervisor is not an immediate relative by blood or marriage of the
13 trainee.

14 2. The supervisor is responsible for all of the following:

15 a. Determining the adequacy of the trainee's background training, experience,
16 and preparation for the tasks to be performed.

17 b. Monitoring the progress of the trainee's work on a regular basis.

 ****NOTE: I also eliminated subd. 2. c. that was here, which read "Determining the
adequacy of the trainee's preparation for the tasks to be performed," because it seemed
duplicative of subd. 2. a., which contains that same language. OK?

18 c. Preparing written evaluations or reports of progress, including strengths
19 and weaknesses, that are discussed with the trainee on at least a semiannual basis
20 and are provided to the board upon request.

21 d. Keeping written notes of supervision contacts.

1 3. The supervisor is available, or able to make appropriate provision, for
2 emergency consultation and intervention.

3 4. The supervisor is legally and ethically responsible for the professional
4 activities of the trainee.

5 (b) For purposes of sub. (8) (a) 3. c. and s. 455.035 (1) (b), a health service
6 psychologist supervisor must satisfy all of the following criteria, as determined by
7 the board:

8 1. The supervisor is licensed under s. 455.035 (1) (a) or under equivalent
9 licensure requirements in another state, as determined by the board.

10 2. The supervisor has adequate training, knowledge, and skill to competently
11 render any psychological services undertaken by the trainee.

12 3. The supervisor has post-licensure experience and has attained a
13 postdoctoral level of competence in supervision through educational training and
14 experience.

 ****NOTE: Here the reference to "supervision" was not stricken out, but I took it out
to match the change made in par. (c) 3. Let me know if that's incorrect.

15 4. The supervisor is able to interrupt or stop the trainee from practicing in given
16 cases or to terminate the supervised relationship if there is a possibility of harm to
17 a patient or client.

18 5. The supervisor is able to ensure all of the following:

19 a. That the trainee's patients and clients are informed that the trainee receives
20 supervision and that their cases will be discussed in the context of required
21 supervision.

22 b. That the trainee informs potential patients and clients in writing of the
23 trainee's licensure status.

1 c. That fees for patient or client services are neither billed independently nor
2 accepted by the trainee, and are instead billed and collected through the training
3 site.

4 (c) For purposes of sub. (8) (d) 6., an applied consulting psychologist supervisor
5 must satisfy all of the following criteria, as determined by the board:

6 1. The supervisor is licensed under s. 455.035 (2) or under equivalent licensure
7 requirements in another state, as determined by the board, or can document
8 evidence of academic or experiential qualifications satisfactory to the board on forms
9 provided by the board.

10 2. The supervisor has adequate training, knowledge, and skill to competently
11 render any psychological services undertaken by the trainee.

 ****NOTE: I changed "services" here to "psychological services" to be consistent with
 par. (b) 2. OK?

12 3. The supervisor has experience and competence in supervision gained
13 through educational training and experience.

14 4. The supervisor is able to interrupt or stop the trainee from practicing in given
15 cases or to terminate the supervised relationship if there is a possibility of harm to
16 a client.

17 **SECTION 57.** 455.045 of the statutes is repealed and recreated to read:

18 **455.045 Examinations. (1)** In order to qualify for a license under s. 455.035
19 (1) (a) or (b) or (2), an individual must pass the following examinations:

20 (a) One or more examinations selected by the board related to the professional
21 practice of psychology.

22 (b) Examinations developed by the board that test knowledge of state law
23 relating to the practice of health service or applied consulting psychology.

1 **(2)** The board shall promulgate rules to set passing scores on examinations
2 under sub. (1) (a) and (b). The board may, for the examination under sub. (1) (a),
3 adopt passing scores using guidelines recommended by the test developers.

4 **(3)** A score for the examination under sub. (1) (a) shall not be considered by the
5 board if the applicant, within the 2-year period prior to taking the examination, had
6 already taken the examination on 2 or more other occasions.

7 **(4)** (a) An applicant who fails the examination under sub. (1) (b) may request
8 a review of the examination by filing a written request for review with the board
9 within 30 days after the date on which examination results were mailed or reported.
10 The time allowed for review shall be limited to the time allowed for administration
11 of the examination, but not to exceed 3 hours.

12 (b) 1. Following review of his or her examination under par. (a), the applicant
13 may contest his or her score on the examination under sub. (1) (b) by filing a written
14 request for review of his or her results with the board within 30 days after the date
15 the examination was reviewed under par. (a). A request under this paragraph shall
16 include all of the following:

17 a. The applicant's name and address.
18 b. The type of license applied for.
19 c. A description of the perceived error in scoring the examination, including
20 specific questions or procedures claimed to be in error.

21 d. The facts that the applicant intends to prove, including reference text
22 citations or other supporting evidence for the applicant's claim.

23 2. The board shall review a request submitted under subd. 1. and shall notify
24 the applicant in writing of the board's decision and any resulting changes to the score
25 on the applicant's examination.

1 3. If a decision made by the board under subd. 2. does not result in the applicant
2 passing the examination, the applicant may file a request for a hearing with the
3 board in accordance with rules promulgated under s. 440.03 (1).

4 **(5)** The board may require that an applicant submit to an oral or in-person
5 examination to determine the applicant's competence to engage in the practice of
6 psychology.

7 **SECTION 58.** 455.06 of the statutes is repealed and recreated to read:

8 **455.06 Renewals. (1)** (a) Except as provided in par. (b), the renewal dates for
9 licenses issued under this chapter are specified under s. 440.08 (2) (a), and the
10 renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).
11 An individual licensed under s. 455.035 (1) (a) and (2) must pay a separate renewal
12 fee for each license.

13 (b) A license issued under s. 455.035 (1) (b) is valid for 2 years or until the
14 individual obtains a license under s. 455.035 (1) (a) and may not be renewed, except
15 that the board may promulgate rules specifying circumstances in which the board,
16 in cases of hardship, may allow an individual to renew a license issued under s.
17 455.035 (1) (b).

18 **(2)** An applicant for renewal of a license issued under s. 455.035 (1) (a) or (2)
19 shall include with his or her application proof of completion of the hours of continuing
20 professional development required under s. 455.065.

21 **SECTION 59.** 455.065 of the statutes is repealed and recreated to read:

22 **455.065 Continuing professional development. (1)** CONTINUING
23 PROFESSIONAL DEVELOPMENT REQUIREMENTS; EXCEPTIONS. (a) To be eligible for renewal
24 of a license issued under s. 455.035 (1) (a) or (2), a licensee shall, during the 2-year
25 period immediately preceding his or her renewal date, complete not less than 40

1 credit hours of qualifying continuing professional development, except as provided
2 in pars. (b) to (e).

3 (b) In the case of a late renewal, the board may grant permission to apply credit
4 hours of continuing professional development completed after the renewal date by
5 which the license was not renewed to a previous 2-year licensure period during
6 which required continuing professional development was not completed, but in no
7 case may credit hours be applied to more than one 2-year licensure period.

8 (c) A licensee may, prior to his or her renewal date, apply to the board for a
9 postponement of or waiver from the requirement to complete the credit hours of
10 continuing professional development under this subsection on the grounds of
11 prolonged illness or disability or on other grounds constituting extreme hardship.
12 The board shall consider each application individually on its merits, and the board
13 may grant a postponement, partial waiver, or total waiver of the requirement as the
14 board deems appropriate.

15 (d) The board may grant an exemption from the requirement to complete the
16 credit hours of continuing professional development under this subsection to a
17 licensee who certifies to the board that the licensee has permanently retired from the
18 practice of psychology. A licensee who has been granted an exemption under this
19 paragraph may not return to active practice without submitting evidence
20 satisfactory to the board of having completed 40 credit hours of continuing
21 professional development obtained within the 2-year period prior to the return to the
22 practice of psychology.

23 (e) The requirement under par. (a) does not apply to an applicant for renewal
24 of a license that expires on the first renewal date after the date on which the board
25 initially granted the license.

1 **(2) BOARD TO PROMULGATE RULES.** The board shall promulgate rules to
2 implement this section. In promulgating rules under this section, the board may do
3 any of the following:

4 (a) Establish criteria for approving continuing professional development
5 programs and courses and criteria for approving the sponsors and cosponsors of
6 those programs and courses. The board shall identify approved continuing
7 professional development programs and courses in accordance with those criteria.

8 (b) Establish criteria for the substitution of hours of professional activities, as
9 determined by the board, for some or all hours of continuing professional
10 development required under this section. Eligible substitution hours shall include
11 hours involved with the evaluation of community programs for the certification and
12 recertification of community mental health programs in accordance with the
13 program developed by the department of health services under s. 51.42 (7) (a) 7.

14 (c) Identify the amount of credit that an applicant may receive for particular
15 types of continuing professional development programs or courses or for particular
16 types of professional activities. The board may allow additional credit to be received
17 for teaching or presenting.

18 (d) Require that a minimum number of hours of continuing professional
19 development be in one or more topic areas.

20 (e) The forms of proof that must be retained under sub. (3) (a).

21 **(3) RECORDS AND AUDITS.** (a) A licensee shall retain for a minimum period of
22 6 years and shall make available to the board or its agent upon request proof that
23 the applicant completed the hours of continuing professional development required
24 under this section.

(b) The board may conduct a random audit of licensees on a biennial basis for compliance with continuing professional development requirements under this section. The board may also conduct such an audit on any licensee under investigation by the board.

****NOTE: I basically rewrote this whole section. Please review it in its entirety and see if you think something is not accounted for.

SECTION 60. 455.07 of the statutes is repealed.

SECTION 61. 455.08 (title) of the statutes is amended to read:

455.08 (title) Rules and Code of conduct; code of ethics.

SECTION 62. 455.08 of the statutes is renumbered 455.08 (1) and amended to read:

455.08 (1) ~~The examining board shall adopt such promulgate rules as are necessary under this chapter and shall, by rule, to establish a reasonable code of conduct and code of ethics governing the professional conduct of psychologists, using as its model the “Ethical Standards of Psychologists”, established by the American Psychological Association recognized professional models and any applicable state and federal laws, including relevant case law, as models. The primary intent of this code purposes of the code shall be to assure that licensed psychologists limit their practices to those specialties in the field of psychology which they are qualified to practice are competent to practice within their licensure categories and their specialties in the field of psychology and that licensees expand their scope of practice in accordance with professional standards and methods. The board shall address in rules promulgated under this subsection conduct and ethical issues general to licensees and those unique to the categories of licensure under this chapter.~~

1 (2) Every person who holds a license to practice psychology in this state shall
2 be governed and controlled by such code of ethics. A written statement of the code
3 shall be made available to all applicants for licensing, as well as all licensed
4 psychologists, when amendments are made to those standards. Nothing in this
5 chapter shall be construed to authorize the psychologist to engage in the practice of
6 medicine the rules promulgated under sub. (1).

7 **SECTION 63.** 455.09 (title) of the statutes is repealed and recreated to read:

8 **455.09 (title) Disciplinary proceedings and actions.**

9 **SECTION 64.** 455.09 (1) (intro.) of the statutes is amended to read:

10 455.09 (1) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
11 examining board may deny an application for a license, or may by order suspend for
12 a period not exceeding one year, limit, revoke, or impose probationary conditions
13 upon a license or reprimand a licensee if the applicant or licensee:

14 **SECTION 65.** 455.09 (1) (b) of the statutes is amended to read:

15 455.09 (1) (b) Subject to ss. 111.321, 111.322, and 111.34, engaged engages in
16 the practice of psychology ~~or the private practice of school psychology~~ while his or her
17 ability to practice ~~was~~ is impaired by alcohol or other drugs or while otherwise having
18 a mental or physical impairment. In this paragraph, "mental or physical
19 impairment" means a mental or physical impairment that would limit or eliminate
20 a practitioner's ability to engage in the practice of psychology at the level required
21 to competently discharge his or her tasks or duties and to protect the public interest
22 while so doing.

23 **SECTION 66.** 455.09 (1) (g) of the statutes is amended to read:

24 455.09 (1) (g) Violates this chapter or any rule of professional conduct
25 promulgated under this chapter.

1 **SECTION 67.** 455.09 (1) (i) of the statutes is created to read:

2 455.09 (1) (i) Refuses to submit to an examination under s. 455.095, or is found
3 to be physically or mentally incapable of engaging in the practice of psychology under
4 s. 455.095.

5 **SECTION 68.** 455.09 (3) of the statutes is amended to read:

6 455.09 (3) A revoked license may not be renewed. One year from the date of
7 revocation of a license under this chapter, application may be made for
8 reinstatement. The examining board may accept or reject an application for
9 reinstatement. If reinstatement is granted under this subsection, the licensee shall
10 pay a reinstatement fee in an amount equal to the renewal fee. This subsection does
11 not apply to a license that is revoked under s. 440.12.

12 **SECTION 69.** 455.09 (4) of the statutes is created to read:

13 455.09 (4) The board shall report any action taken against a licensee under this
14 section, to the extent that such action is not private or confidential, to all of the
15 following:

 ****NOTE: I don't think there are any actions that would be confidential. For
 example, s. 440.205 provides that the record that an administrative warning was issued
 shall be a public record, though the *contents* are confidential.

16 (a) The National Practitioner Database.

 ****NOTE: The HIPDB was merged into the NPDB by the Affordable Care Act.

17 (b) The Association of State and Provincial Psychology Boards Disciplinary
18 Data System.

19 **SECTION 70.** 455.09 (5) of the statutes is created to read:

20 455.09 (5) (a) A psychologist whose license has been suspended or revoked shall
21 do all of the following:

1 1. Notify all active patients and clients, in writing, of the suspension or
2 revocation.

3 2. Notify the board once the psychologist has complied with subd. 1.

4 (b) A psychologist shall notify the credentialing authority in each other state
5 or jurisdiction in which he or she is licensed or has applied for licensure whenever
6 any disciplinary action is taken against him or her under this section, to the extent
7 that such action is not private or confidential.

8 **SECTION 71.** 455.095 of the statutes is created to read:

9 **455.095 Determination of mental or physical impairment.** (1) When
10 there is reasonable cause to believe that an individual licensed under this chapter
11 or applicant for a license under this chapter is physically or mentally incapable of
12 engaging in the practice of psychology with reasonable skill such that the applicant
13 or licensee may endanger the safety of patients or clients, the board may require the
14 licensee or applicant in question to submit to a psychological examination by a
15 psychologist designated by the board to determine psychological functioning to
16 practice or a physical examination by a physician designated by the board to
17 determine physical functioning to practice.

18 **(2)** The board shall consider the findings and conclusions of an examination
19 under sub. (1) and any other evidence or material submitted to the board by the
20 licensee or applicant in question or any other individual and shall determine if the
21 licensee or applicant is physically or mentally incapable of engaging in the practice
22 of psychology with reasonable skill such that the applicant or licensee may endanger
23 the safety of patients or clients.

24 **SECTION 72.** 455.10 of the statutes is repealed.

25 **SECTION 73.** 455.11 of the statutes is renumbered 455.30 and amended to read:

1 **455.30 Penalty.** Any person who violates this chapter may be fined not more
2 than \$200 \$1,000 or imprisoned not exceeding 6 months or both.

3 **SECTION 74.** 457.08 (4) (c) 3. of the statutes is amended to read:

4 457.08 (4) (c) 3. A psychiatrist or a health service psychologist licensed under
5 ch. 455.

6 **SECTION 75.** 457.10 (3) (c) of the statutes is amended to read:

7 457.10 (3) (c) A psychiatrist or a health service psychologist licensed under ch.
8 455.

9 **SECTION 76.** 457.12 (3) (a) 3. of the statutes is amended to read:

10 457.12 (3) (a) 3. A psychiatrist or a health service psychologist licensed under
11 ch. 455.

12 **SECTION 77.** 457.12 (3) (b) 3. of the statutes is amended to read:

13 457.12 (3) (b) 3. A psychiatrist or a health service psychologist licensed under
14 ch. 455.

15 **SECTION 78.** 632.89 (1) (e) 3. of the statutes is amended to read:

16 632.89 (1) (e) 3. A health service psychologist licensed under ch. 455.

17 **SECTION 79.** 632.895 (12m) (b) 2. of the statutes is repealed and recreated to
18 read:

19 632.895 (12m) (b) 2. A health service psychologist licensed under s. 455.035 (1)
20 (a) or (b).

21 **SECTION 80.** 895.441 (1) (b) of the statutes is amended to read:

22 895.441 (1) (b) "Psychologist" means ~~a person who practices psychology, as~~
23 ~~described in s. 455.01 (5)~~ an individual who is a health service psychologist licensed
24 under ch. 455.

25 **SECTION 81.** 905.04 (1) (e) of the statutes is amended to read:

1 905.04 (1) (e) “Psychologist” means a licensed psychologist, ~~as that term is~~
2 ~~defined in s. 455.01 (4) licensed under ch. 455~~, or a person reasonably believed by the
3 patient to be a psychologist.

4 **SECTION 82.** 938.295 (1) (a) of the statutes is amended to read:

5 938.295 (1) (a) After the filing of a petition and upon a finding by the court that
6 reasonable cause exists to warrant a physical, psychological, mental, or
7 developmental examination or an alcohol and other drug abuse assessment that
8 conforms to the criteria under s. 938.547 (4), the court may order a juvenile within
9 its jurisdiction to be examined as an outpatient by personnel in an approved
10 treatment facility for alcohol and other drug abuse, by a physician, psychiatrist, or
11 licensed health service psychologist, or by another expert appointed by the court
12 holding at least a master’s degree in social work or another related field of child
13 development, in order that the juvenile’s physical, psychological, alcohol or other
14 drug dependency, mental, or developmental condition may be considered. The court
15 may also order an examination or an alcohol and other drug abuse assessment that
16 conforms to the criteria under s. 938.547 (4) of a parent, guardian, or legal custodian
17 whose ability to care for a juvenile is at issue before the court.

18 **SECTION 83.** 938.295 (2) (a) of the statutes is amended to read:

19 938.295 (2) (a) If there is probable cause to believe that the juvenile has
20 committed the alleged offense and if there is reason to doubt the juvenile’s
21 competency to proceed, or upon entry of a plea under s. 938.30 (4) (c), the court shall
22 order the juvenile to be examined by a psychiatrist or licensed health service
23 psychologist. If the cost of the examination is approved by the court, the cost shall
24 be paid by the county of the court ordering the examination, and the county may
25 recover that cost from the juvenile’s parent or guardian as provided in par. (c).

1 Evaluation shall be made on an outpatient basis unless the juvenile presents a
2 substantial risk of physical harm to the juvenile or others; or the juvenile, parent,
3 or guardian, and legal counsel or guardian ad litem, consent to an inpatient
4 evaluation. An inpatient evaluation shall be completed in a specified period that is
5 no longer than necessary.

6 **SECTION 84.** 938.295 (3) of the statutes is amended to read:

7 938.295 (3) OBJECTION TO A PARTICULAR PROFESSIONAL. If the juvenile or a parent
8 objects to a particular physician, psychiatrist, licensed health service psychologist,
9 or other expert, the court shall appoint a different physician, psychiatrist, health
10 service psychologist or other expert.

11 **SECTION 85.** 939.615 (6) (e) of the statutes is amended to read:

12 939.615 (6) (e) A person filing a petition requesting termination of lifetime
13 supervision who is entitled to a hearing under par. (d) 2. shall be examined by a
14 person who is either a physician or a health service psychologist licensed under ch.
15 455 and who is approved by the court. The physician or psychologist who conducts
16 an examination under this paragraph shall prepare a report of his or her
17 examination that includes his or her opinion of whether the person petitioning for
18 termination of lifetime supervision is a danger to public. The physician or
19 psychologist shall file the report of his or her examination with the court within 60
20 days after completing the examination, and the court shall provide copies of the
21 report to the person filing the petition and the district attorney who received a copy
22 of the person's petition under par. (c). The contents of the report shall be confidential
23 until the physician or psychologist testifies at a hearing under par. (f). The person
24 petitioning for termination of lifetime supervision shall pay the cost of an
25 examination required under this paragraph.

SECTION 86. 940.22 (1) (c) of the statutes is amended to read:

940.22 (1) (c) “Psychologist” means ~~a person who practices psychology, as~~
~~described in s. 455.01 (5)~~ an individual who is a health service psychologist licensed
under ch. 455.

SECTION 87. 971.16 (1) (b) of the statutes is amended to read:

971.16 (1) (b) “Psychologist” means ~~a person holding a valid license under s.~~
~~455.04~~ health service psychologist licensed under ch. 455.

SECTION 88. 980.01 (10) of the statutes is amended to read:

980.01 (10) “Treating professional” means a licensed physician, licensed health
service psychologist, licensed social worker, or other mental health professional who
provides, or supervises the provision of, sex offender treatment at a facility described
under s. 980.065.

SECTION 89. Nonstatutory provisions.

(1) PREVIOUSLY LICENSED PSYCHOLOGISTS.

(a) In this subsection:

1. “Applied consulting psychologist” has the meaning given in section 455.01
(1) of the statutes.

2. “Board” means the psychology examining board.

3. “Health service psychologist” has the meaning given in section 455.01 (3r)
of the statutes.

(b) Notwithstanding sections 440.08 and 455.06 of the statutes, the
department of safety and professional services and the board shall not renew any
psychologist’s license issued under section 455.04 (1) of the statutes. The
department of safety and professional services shall, instead of giving a notice of
renewal to each holder of a psychologist license under section 440.08 (1) of the

1 statutes, give notice to each such individual that he or she may, prior to that date,
2 apply for a health service psychologist or applied consulting psychologist license in
3 accordance with the process established under paragraph (c), as provided in section
4 455.035 (3) of the statutes.

5 (c) The board shall establish a process and criteria for granting licenses under
6 section 455.035 (1) (a) and (2) to individuals licensed as psychologists under section
7 455.04 (1), 2015 stats. The board shall ensure that the criteria established under this
8 paragraph allow each individual licensed as a psychologist under section 455.04 (1),
9 2015 stats., to be granted either a health service psychologist license or an applied
10 consulting psychologist license, or both.

11 (2) PRIVATE PRACTICE SCHOOL PSYCHOLOGISTS. Notwithstanding sections 440.08
12 and 455.06 of the statutes, the department of safety and professional services and
13 the psychology examining board shall not renew any private practice school
14 psychologist's license issued under section 455.04 (4) of the statutes. The
15 department of safety and professional services shall, instead of giving a notice of
16 renewal to each holder of a private practice school psychologist license under section
17 440.08 (1) of the statutes, give notice of the elimination of such licensure by this act.

18 (3) EMERGENCY RULE AUTHORITY. Using the procedure under section 227.24 of
19 the statutes, the psychology examining board may promulgate rules under chapter
20 455 of the statutes that are necessary to implement the changes in this act for the
21 period before the effective date of any corresponding permanent rules, but not to
22 exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to
23 extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24
24 (1) (a), (2) (b), and (3) of the statutes, the board is not required to provide evidence
25 that promulgating a rule under this subsection as an emergency rule is necessary for

1 the preservation of the public peace, health, safety, or welfare and is not required to
2 provide a finding of emergency for a rule promulgated under this subsection.

3 **SECTION 90. Effective dates.** This act takes effect on the first day of the 18th
4 month beginning after publication, except as follows:

5 (1) SECTION 89 (1), (2), and (3) of this act takes effect on the day after publication.

6 (END)